

EXHIBIT 1

16/393,917

APPARATUS FOR ORTHOPEDIC USE

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10-24-2019	NTC.PUB	Notice of Publication	PROSECUTION	1
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05-08-2019	WFEE	Fee Worksheet (SB06)	PROSECUTION	1
04-24-2019	MES.GIB	Certification of Micro Entity (Gross Income Basis)	PROSECUTION	2
04-24-2019	DRW	Drawings-only black and white line drawings	PROSECUTION	2
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04-24-2019	WFEE	Fee Worksheet (SB06)	PROSECUTION	2
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
16/393,917	04/24/2019	Thomas Pichler	

CONFIRMATION NO. 2465

PUBLICATION NOTICE



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 La Jolla, CA 92037

Title: APPARATUS FOR ORTHOPEDIC USE

Publication No. US-2019-0320757-A1

Publication Date: 10/24/2019

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
16/393,917	04/24/2019	3732	430		19	2

CONFIRMATION NO. 2465

FILING RECEIPT



0000000107972369

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Date Mailed: 05/08/2019

Receipt is acknowledged of this non-provisional utility patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF FIRST INVENTOR, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection.

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Inventor(s)

Thomas Pichler, Miami, FL;

Applicant(s)

Thomas Pichler, Miami, FL;

Power of Attorney: None**Domestic Priority data as claimed by applicant**

This appln claims benefit of 62/662,166 04/24/2018

Foreign Applications for which priority is claimed (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.) - None.

Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

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The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 16/393,917**

Projected Publication Date: 10/24/2019

Non-Publication Request: No

Early Publication Request: No

**** MICRO ENTITY ****

Title

APPARATUS FOR ORTHOPEDIC USE

Preliminary Class

036

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

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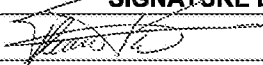
PATENT APPLICATION FEE DETERMINATION RECORD						Application or Docket Number 16/393,917				
Substitute for Form PTO-875										
APPLICATION AS FILED - PART I										
(Column 1)		(Column 2)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY				
FOR	NUMBER FILED	NUMBER EXTRA	RATE(\$)	FEE(\$)		RATE(\$)	FEE(\$)			
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	75			
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A	165			
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	190			
TOTAL CLAIMS (37 CFR 1.16(j))	19	minus 20 = *			OR	x 25 =	0.00			
INDEPENDENT CLAIMS (37 CFR 1.16(h))	2	minus 3 = *				x 115 =	0.00			
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						0.00			
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							0.00			
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	430			
APPLICATION AS AMENDED - PART II										
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY		
AMENDMENT A		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)	ADDITIONAL FEE(\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	x	=	OR	x	=
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x	=	OR	x	=
	Application Size Fee (37 CFR 1.16(s))							OR		
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE(\$)	ADDITIONAL FEE(\$)		RATE(\$)	ADDITIONAL FEE(\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	x	=	OR	x	=
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x	=	OR	x	=
	Application Size Fee (37 CFR 1.16(s))							OR		
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
<p style="font-size: x-small;">* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p style="font-size: x-small;">** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p style="font-size: x-small;">*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p style="font-size: x-small;">The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.</p>										

Doc Code: MES.GIB

Document Description: Certification of Micro Entity Status (Gross Income Basis)

PTO/SB/15A (07-14)

CERTIFICATION OF MICRO ENTITY STATUS (GROSS INCOME BASIS)

Application Number or Control Number (if applicable):		Patent Number (if applicable):	
First Named Inventor: Thomas Pichler		Title of Invention: APPARATUS FOR ORTHOPEDIC USE	
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SIGNATURE by an authorized party set forth in 37 CFR 1.33(b)			
Signature			
Name	Thomas Pichler		
Date	04/24/19	Telephone	+1-858-247-8824
	Registration No.		
<input type="checkbox"/>	There is more than one inventor and I am one of the inventors who are jointly identified as the applicant. The required additional certification form(s) signed by the other joint inventor(s) are included with this form.		

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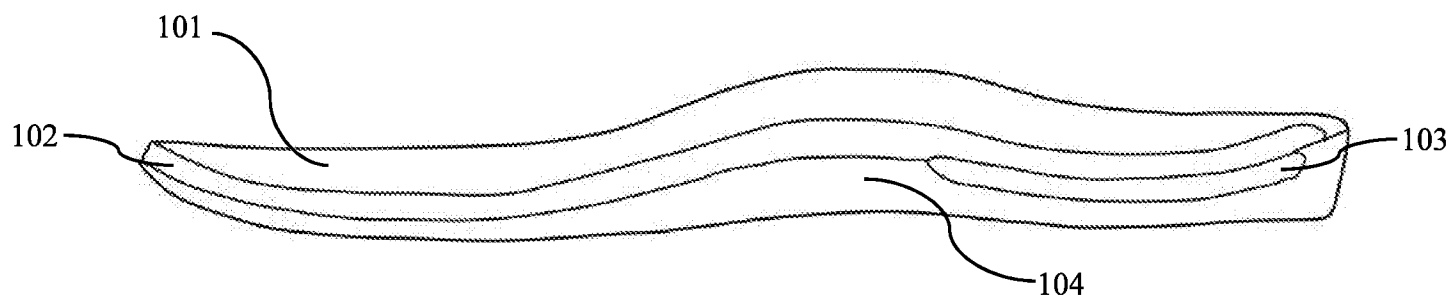


Figure 1

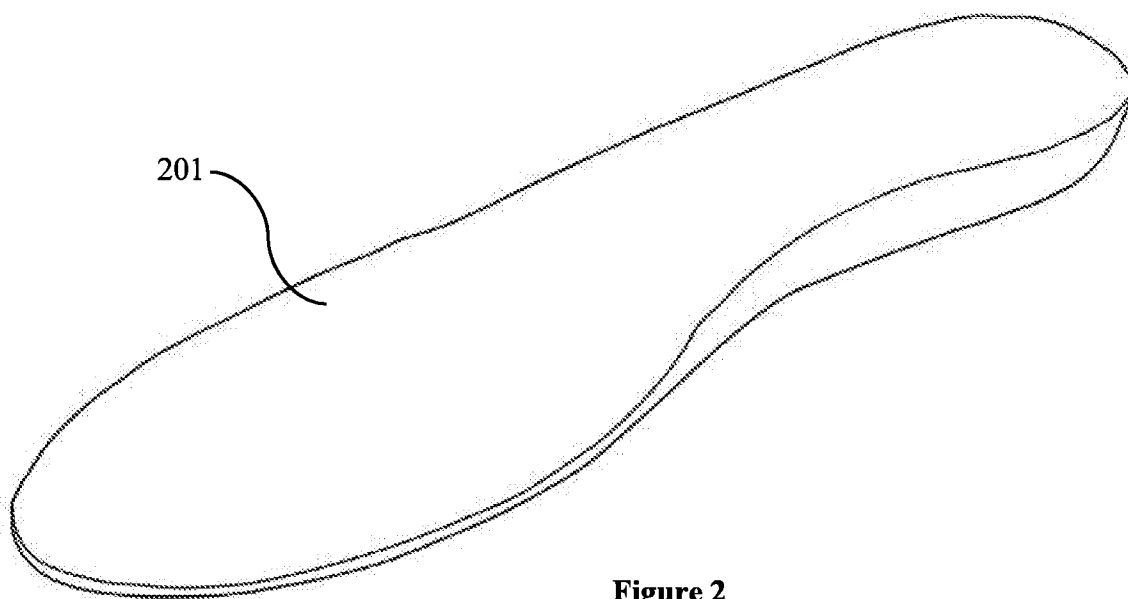


Figure 2

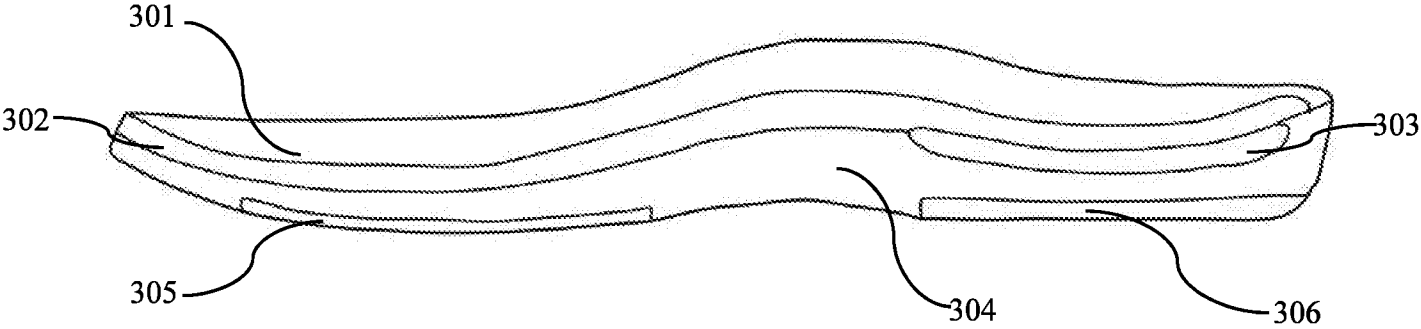


Figure 3

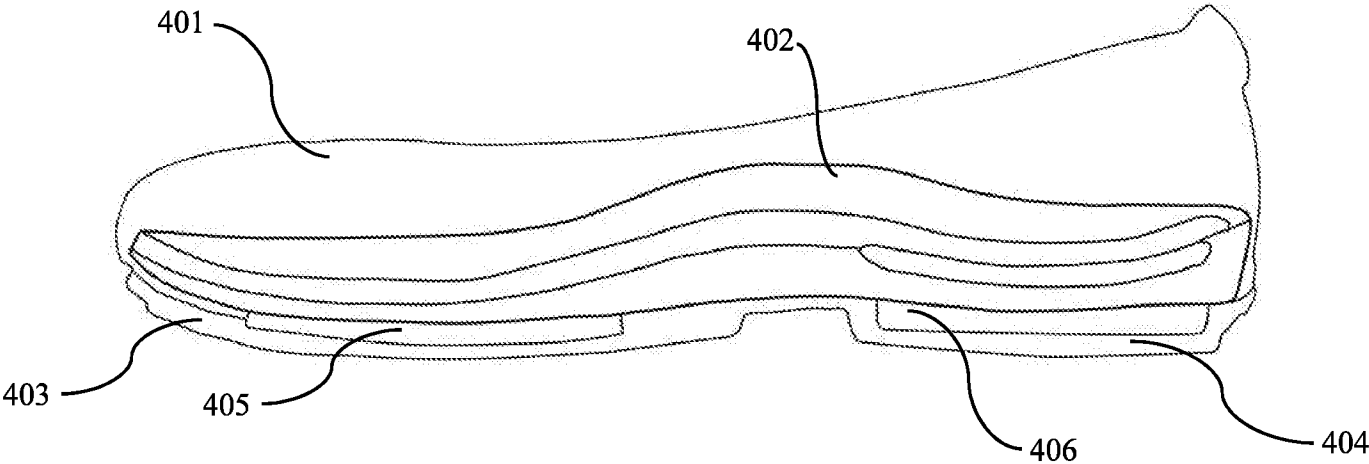


Figure 4

APPLICATION

FOR

UNITED STATES PROVISIONAL PATENT

FOR

APPARATUS FOR ORTHOPEDIC USE

Inventor:

THOMAS PICHLER

Docket no. SM-00001
Sheets of Drawings: 2

Attorneys
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BACKGROUND OF THE SYSTEM

This patent application claims priority to United States Provisional Patent Application Number 62/662,166 filed on April 24, 2018, which is incorporated by reference herein, in its entirety.

[0001] Orthopedic foot pads are used to reduce pain in a person's feet, legs and back and provide support. Orthopedic foot pads are commonly made from a single type of material such as memory foam or a gel material.

SUMMARY

[0002] The new apparatus is an orthopedic foot bed created using multiple materials to provide maximum comfort for an individual. The apparatus is composed of a flexible material such as, for example, memory foam on top of another material such as an impact absorbing material and an arch-support foot bed made of, for example, antimicrobial energy returning foam, with the entire apparatus covered in a stretchy suede textile in one embodiment.

BRIEF DESCRIPTION OF THE DRAWINGS

[0003] Figure 1 depicts a cross section of an embodiment of the foot bed.

[0004] Figure 2 depicts an angled view of an embodiment of the foot bed.

[0005] Figure 3 depicts a cross section of another embodiment of the foot bed.

[0006] Figure 4 depicts a cross section of an embodiment of the foot bed in an embodiment of a shoe.

DETAILED DESCRIPTION OF THE APPARATUS

[0007] The apparatus is an orthopaedic foot bed composed of multiple materials to achieve maximum comfort for an individual.

[0008] One embodiment of the apparatus can be seen in Figure 1. In this embodiment the apparatus is composed of an arch-support foot bed 104 made of a light-weight antimicrobial energy returning foam to support the foot and allow it to breathe. A heel pad 103 made of an impact absorbing material with the following properties: a density of 16-28 lbs/ft³, and a compression set percentage of under 10%, for example, PORON® XRD® Extreme Impact Protection, is placed inside of the heel of the arch-support foot bed 104 to absorb the impacts that result from walking. A layer of memory foam 102 is placed on top of the arch-support foot bed 104 to provide support and comfort to an individual's foot. The entire apparatus is then enveloped in soft stretchy suede textile 101, which provides a

stylish appearance, a soft feel, and allows the entire apparatus to be removed from a shoe in one piece. As seen in Figure 2, the soft stretchy suede textile covering 201 covers the entire apparatus, covering the memory foam 102, heel pad 103, and arch support foot bed 104, preventing them from being seen when the apparatus is taken out of the shoe.

[0009] In one embodiment, the arch-support foot bed extends from the toe to the heel of the shoe. Similarly, the memory foam layer 102 extends substantially the length of the arch-support foot bed 104.

[0010] In one embodiment, the foot bed is placed in the embodiment of a shoe as seen in Figure 4. The footbed 402 is placed inside of shoe 401. Forefoot outsole 403 and heel outsole 404 contain forefoot outsole pad 405 and heel outsole pad 406. Forefoot outsole pad 405 and heel outsole pad 406 are both made of a resilient shock absorbing material with the following properties: a density of 13-19 lbs/ft³, a compression set percentage of under 10%, a compression force deflection of 70-170 kPa, and a vertical rebound greater than 35, for example, PORON® Vive® Energy Activated Cushioning to help push the foot into the next step while walking.

[0011] Another embodiment of the apparatus can be seen in Figure 3. In addition to soft stretchy suede textile covering 301, memory foam 302, heel pad 303, and arch support foot bed 304, forefoot pad 305 and lower heel pad 306 are located on the bottom of the apparatus below arch support foot bed 304. Forefoot pad 305 and lower heel pad 306 are both made of a resilient shock absorbing material with the following properties: a density of 13-19 lbs/ft³, a compression set percentage of under 10%, a compression force deflection of 70-170 kPa, and a vertical rebound greater than 35, for example, PORON® Vive® Energy Activated Cushioning to help push the foot into the next step while walking.

[0012] Thus an apparatus for an orthopaedic foot bed has been described.

CLAIMS

What Is Claimed Is:

1. An orthopedic appliance comprising:
an arch-support foot bed made of anti-microbial, energy returning foam;
a heel pad made of an impact absorbing material inlaid in said arch-support foot bed;
a memory foam foot pad resting on top of said arch-support foot bed and heel pad;
a suede covering that covers the top of said arch-support foot bed, heel pad and memory foam foot pad.
2. The orthopedic appliance of claim 1 wherein said suede covering encloses the entire arch-support foot bed, heel pad, and memory foam foot pad.
3. The orthopedic appliance of claim 1 wherein said heel pad is made of an impact absorbing material with a density of 16-28 lbs/ft³, and a compression set percentage of under 10%.
4. The orthopedic appliance of claim 2 wherein said heel pad is made of an impact absorbing material with a density of 16-28 lbs/ft³, and a compression set percentage of under 10%.
5. The orthopedic appliance of claim 1 further comprising:
a forefoot pad made of a resilient shock absorbing material embedded on the bottom of the arch-support foot bed.
6. The orthopedic appliance of claim 2 further comprising:
a forefoot pad made of a resilient shock absorbing material embedded on the bottom of the arch-support foot bed.
7. The orthopedic appliance of claim 1 further comprising:

a lower heel pad made of a resilient shock absorbing material embedded on the bottom of the arch-support foot bed.

8. The orthopedic appliance of claim 2 further comprising:
a lower heel pad made of a resilient shock absorbing material embedded on the bottom of the arch-support foot bed.

9. The orthopedic appliance of claim 1 further comprising:
a shoe containing said orthopedic appliance wherein:
said shoe possesses a forefoot outsole pad made of a resilient shock absorbing material; and
said shoe possesses a heel outsole pad made of a resilient shock absorbing material.

10. The orthopedic appliance of claim 9 wherein the shoe has a separate forefoot outsole and a heel outsole.

11. The orthopedic appliance of claim 9 wherein the shoe has only one outsole.

12. The orthopedic appliance of claim 2 further comprising:
a shoe containing said orthopedic appliance wherein:
said shoe possesses a forefoot outsole pad made of a resilient shock absorbing material; and
said shoe possesses a heel outsole pad made of a resilient shock absorbing material.

13. The orthopedic appliance of claim 12 wherein the shoe has a separate forefoot outsole and a heel outsole.

14. The orthopedic appliance of claim 12 wherein the shoe has only one outsole.

15. An orthopedic appliance comprising:
a soft stretchy suede textile covering the top of a foot bed made of at least one material.
16. The orthopedic appliance of claim 15 wherein said material comprises anti-microbial, energy returning foam.
17. The orthopedic appliance of claim 15 wherein said material comprises an impact absorbing material.
18. The orthopedic appliance of claim 15 wherein said material comprises memory foam.
19. The orthopedic appliance of claim 15 wherein said material comprises a resilient shock absorbing material

ABSTRACT

[0013] The new apparatus is an orthopedic foot bed created using multiple materials to provide maximum comfort for an individual. The apparatus is composed of a flexible material such as, for example, memory foam on top of another material such as an impact absorbing material and an arch-support foot bed made of, for example, antimicrobial energy returning foam, with the entire apparatus covered in a stretchy suede textile in one embodiment.

Electronic Patent Application Fee Transmittal

Application Number:				
Filing Date:				
Title of Invention:	APPARATUS FOR ORTHOPEDIC USE			
First Named Inventor/Applicant Name:	Thomas Pichler			
Filer:	Stephen M. Lobbin/Joshua Osborn			
Attorney Docket Number:	SM-00001			
Filed as Micro Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
BASIC FILING FEE-UTILITY	3011	1	75	75
UTILITY SEARCH FEE	3111	1	165	165
UTILITY EXAMINATION FEE	3311	1	190	190
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				430

Electronic Acknowledgement Receipt

EFS ID:	35824317
Application Number:	16393917
International Application Number:	
Confirmation Number:	2465
Title of Invention:	APPARATUS FOR ORTHOPEDIC USE
First Named Inventor/Applicant Name:	Thomas Pichler
Customer Number:	159386
Filer:	Stephen M. Lobbin/Joshua Osborn
Filer Authorized By:	Stephen M. Lobbin
Attorney Docket Number:	SM-00001
Receipt Date:	24-APR-2019
Filing Date:	
Time Stamp:	21:37:16
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	\$430
RAM confirmation Number	042519INTEFSW21433200
Deposit Account	
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Application Data Sheet	aia0014SM.pdf	1255686	no	8
			ead6f8c5fab010130982bad8990b7e1c731b4cfc		
Warnings:					
Information:					
2	Oath or Declaration filed	SMinventorsdeclaration2.pdf	960000	no	2
			acc12a2c5fce12f94497aaa58f3e01a654ce4a7c		
Warnings:					
Information:					
3	Certification of Micro Entity (Gross Income Basis)	SMmicroentitysigned.pdf	923057	no	2
			8c4eca7b9fb5e827e19bdf76787de0cb56e5092c		
Warnings:					
Information:					
4	Drawings-only black and white line drawings	SMNonprovisionalFigures2.pdf	95398	no	2
			78c1826e91dec95c07eca39ae8ff5c20c053599e		
Warnings:					
Information:					
5		SMNonprovisionalSpecClaimsAbstract2.pdf	1078042	yes	8
			e49b7e952808d2f5ad4ca32c790ffdb6a8b64987		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Specification		1	4	
	Claims		5	7	
	Abstract		8	8	

Warnings:**Information:**

6	Fee Worksheet (SB06)	fee-info.pdf	34918	no	2
			e530f428d197c81d1c4f1c55f129d98595599431		

Warnings:**Information:**

Total Files Size (in bytes):	4347101
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	
		Application Number	
Title of Invention	APPARATUS FOR ORTHOPEDIC USE		
<p>The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76.</p> <p>This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.</p>			

Secrecy Order 37 CFR 5.2:

<input type="checkbox"/>	Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)
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Inventor Information:

Inventor	1				Remove	
Legal Name						
Prefix	Given Name	Middle Name	Family Name	Suffix		
	Thomas		Pichler			
Residence Information (Select One) • US Residency Non US Residency Active US Military Service						
City	Miami	State/Province	FL	Country of Residence	US	
Mailing Address of Inventor:						
Address 1	888 Biscayne Blvd #505					
Address 2						
City	Miami	State/Province	FL			
Postal Code	33132	Country	US			
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button.						

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below. For further information see 37 CFR 1.33(a).	
<input type="checkbox"/> An Address is being provided for the correspondence information of this application.	
Customer Number	159386
Email Address	Add Email Remove Email

Application Information:

Title of the Invention	APPARATUS FOR ORTHOPEDIC USE		
Attorney Docket Number		Small Entity Status Claimed	<input checked="" type="checkbox"/>
Application Type	Nonprovisional		
Subject Matter	Utility		
Total Number of Drawing Sheets (if any)	2	Suggested Figure for Publication (if any)	1

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	
		Application Number	
Title of Invention	APPARATUS FOR ORTHOPEDIC USE		

Filing By Reference:

Only complete this section when filing an application by reference under 35 U.S.C. 111(c) and 37 CFR 1.57(a). Do not complete this section if application papers including a specification and any drawings are being filed. Any domestic benefit or foreign priority information must be provided in the appropriate section(s) below (i.e., "Domestic Benefit/National Stage Information" and "Foreign Priority Information").

For the purposes of a filing date under 37 CFR 1.53(b), the description and any drawings of the present application are replaced by this reference to the previously filed application, subject to conditions and requirements of 37 CFR 1.57(a).

Application number of the previously filed application	Filing date (YYYY-MM-DD)	Intellectual Property Authority or Country

Publication Information:

☐ Request Early Publication (Fee required at time of Request 37 CFR 1.219)

☐ **Request Not to Publish.** I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Either enter Customer Number or complete the Representative Name section below. If both sections are completed the customer Number will be used for the Representative Information during processing.

Please Select One:	<input checked="" type="radio"/> Customer Number	US Patent Practitioner	<input type="radio"/> Limited Recognition (37 CFR 11.9)
Customer Number	159386		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, 365(c), or 386(c) or indicate National Stage entry from a PCT application. Providing benefit claim information in the Application Data Sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.

When referring to the current application, please leave the "Application Number" field blank.

Prior Application Status	Pending	Remove	
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)
	Claims benefit of provisional	62662166	2018-04-24
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button.			Add

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	
		Application Number	
Title of Invention	APPARATUS FOR ORTHOPEDIC USE		

Foreign Priority Information:

This section allows for the applicant to claim priority to a foreign application. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55. When priority is claimed to a foreign application that is eligible for retrieval under the priority document exchange program (PDX)ⁱ the information will be used by the Office to automatically attempt retrieval pursuant to 37 CFR 1.55(i)(1) and (2). Under the PDX program, applicant bears the ultimate responsibility for ensuring that a copy of the foreign application is received by the Office from the participating foreign intellectual property office, or a certified copy of the foreign priority application is filed, within the time period specified in 37 CFR 1.55(g)(1).

			Remove
Application Number	Country ⁱ	Filing Date (YYYY-MM-DD)	Access Code ⁱ (if applicable)
Additional Foreign Priority Data may be generated within this form by selecting the Add button.			Add

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications

<input type="checkbox"/> This application (1) claims priority to or the benefit of an application filed before March 16, 2013 and (2) also contains, or contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013. NOTE: By providing this statement under 37 CFR 1.55 or 1.78, this application, with a filing date on or after March 16, 2013, will be examined under the first inventor to file provisions of the AIA.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	
		Application Number	
Title of Invention	APPARATUS FOR ORTHOPEDIC USE		

Authorization or Opt-Out of Authorization to Permit Access:

When this Application Data Sheet is properly signed and filed with the application, applicant has provided written authority to permit a participating foreign intellectual property (IP) office access to the instant application-as-filed (see paragraph A in subsection 1 below) and the European Patent Office (EPO) access to any search results from the instant application (see paragraph B in subsection 1 below).

Should applicant choose not to provide an authorization identified in subsection 1 below, applicant **must opt-out** of the authorization by checking the corresponding box A or B or both in subsection 2 below.

NOTE: This section of the Application Data Sheet is **ONLY** reviewed and processed with the **INITIAL** filing of an application. After the initial filing of an application, an Application Data Sheet cannot be used to provide or rescind authorization for access by a foreign IP office(s). Instead, Form PTO/SB/39 or PTO/SB/69 must be used as appropriate.

1. Authorization to Permit Access by a Foreign Intellectual Property Office(s)

A. Priority Document Exchange (PDX) - Unless box A in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the State Intellectual Property Office of the People's Republic of China (SIPO), the World Intellectual Property Organization (WIPO), and any other foreign intellectual property office participating with the USPTO in a bilateral or multilateral priority document exchange agreement in which a foreign application claiming priority to the instant patent application is filed, access to: (1) the instant patent application-as-filed and its related bibliographic data, (2) any foreign or domestic application to which priority or benefit is claimed by the instant application and its related bibliographic data, and (3) the date of filing of this Authorization. See 37 CFR 1.14(h)(1).

B. Search Results from U.S. Application to EPO - Unless box B in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the EPO access to the bibliographic data and search results from the instant patent application when a European patent application claiming priority to the instant patent application is filed. See 37 CFR 1.14(h)(2).

The applicant is reminded that the EPO's Rule 141(1) EPC (European Patent Convention) requires applicants to submit a copy of search results from the instant application without delay in a European patent application that claims priority to the instant application.

2. Opt-Out of Authorizations to Permit Access by a Foreign Intellectual Property Office(s)

☐ A. Applicant **DOES NOT** authorize the USPTO to permit a participating foreign IP office access to the instant application-as-filed. If this box is checked, the USPTO will not be providing a participating foreign IP office with any documents and information identified in subsection 1A above.

☐ B. Applicant **DOES NOT** authorize the USPTO to transmit to the EPO any search results from the instant patent application. If this box is checked, the USPTO will not be providing the EPO with search results from the instant application.

NOTE: Once the application has published or is otherwise publicly available, the USPTO may provide access to the application in accordance with 37 CFR 1.14.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	
		Application Number	
Title of Invention	APPARATUS FOR ORTHOPEDIC USE		

Applicant Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

Applicant	1	Remove
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If the applicant is the inventor (or the remaining joint inventor or inventors under 37 CFR 1.45), this section should not be completed. The information to be provided in this section is the name and address of the legal representative who is the applicant under 37 CFR 1.43; or the name and address of the assignee, person to whom the inventor is under an obligation to assign the invention, or person who otherwise shows sufficient proprietary interest in the matter who is the applicant under 37 CFR 1.46. If the applicant is an applicant under 37 CFR 1.46 (assignee, person to whom the inventor is obligated to assign, or person who otherwise shows sufficient proprietary interest) together with one or more joint inventors, then the joint inventor or inventors who are also the applicant should be identified in this section.

[Clear](#)

Assignee	Legal Representative under 35 U.S.C. 117	Joint Inventor
Person to whom the inventor is obligated to assign.	Person who shows sufficient proprietary interest	

If applicant is the legal representative, indicate the authority to file the patent application, the inventor is:

Name of the Deceased or Legally Incapacitated Inventor:

If the Applicant is an Organization check here. ☐

Prefix	Given Name	Middle Name	Family Name	Suffix
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Mailing Address Information For Applicant:

Address 1	<input type="text"/>		
Address 2	<input type="text"/>		
City	<input type="text"/>	State/Province	<input type="text"/>
Country	<input type="text"/>	Postal Code	<input type="text"/>
Phone Number	<input type="text"/>	Fax Number	<input type="text"/>
Email Address	<input type="text"/>		

Additional Applicant Data may be generated within this form by selecting the Add button. [Add](#)

Assignee Information including Non-Applicant Assignee Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	
		Application Number	
Title of Invention	APPARATUS FOR ORTHOPEDIC USE		

Assignee	1			
Complete this section if assignee information, including non-applicant assignee information, is desired to be included on the patent application publication. An assignee-applicant identified in the "Applicant Information" section will appear on the patent application publication as an applicant. For an assignee-applicant, complete this section only if identification as an assignee is also desired on the patent application publication.				
				<input type="button" value="Remove"/>
If the Assignee or Non-Applicant Assignee is an Organization check here.				<input type="checkbox"/>
Prefix	Given Name	Middle Name	Family Name	Suffix
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Mailing Address Information For Assignee including Non-Applicant Assignee:				
Address 1		<input type="text"/>		
Address 2		<input type="text"/>		
City	<input type="text"/>	State/Province	<input type="text"/>	
Country ⁱ	<input type="text"/>	Postal Code	<input type="text"/>	
Phone Number	<input type="text"/>	Fax Number	<input type="text"/>	
Email Address	<input type="text"/>			
Additional Assignee or Non-Applicant Assignee Data may be generated within this form by selecting the Add button.				<input type="button" value="Add"/>

Signature:

NOTE: This Application Data Sheet must be signed in accordance with 37 CFR 1.33(b). However, if this Application Data Sheet is submitted with the **INITIAL** filing of the application and either box A or B is not checked in subsection 2 of the "Authorization or Opt-Out of Authorization to Permit Access" section, then this form must also be signed in accordance with 37 CFR 1.14(c).

This Application Data Sheet **must** be signed by a patent practitioner if one or more of the applicants is a **juristic entity** (e.g., corporation or association). If the applicant is two or more joint inventors, this form must be signed by a patent practitioner, **all** joint inventors who are the applicant, or one or more joint inventor-applicants who have been given power of attorney (e.g., see USPTO Form PTO/AIA/81) on behalf of **all** joint inventor-applicants.

See 37 CFR 1.4(d) for the manner of making signatures and certifications.

Signature	/Joshua Osborn/		Date (YYYY-MM-DD)	2019-04-15
First Name	Joshua	Last Name	Osborn	Registration Number
				77858
Additional Signature may be generated within this form by selecting the Add button.				<input type="button" value="Add"/>

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	
		Application Number	
Title of Invention	APPARATUS FOR ORTHOPEDIC USE		

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN
APPLICATION DATA SHEET (37 CFR 1.76)**

Title of Invention	APPARATUS FOR ORTHOPEDIC USE
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As the below named inventor, I hereby declare that:

This declaration is directed to: ☒ The attached application, or

☐ United States application or PCT international application number _____

filed on _____.

The above-identified application was made or authorized to be made by me.

I believe that I am the original inventor or an original joint inventor of a claimed invention in the application.

I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

LEGAL NAME OF INVENTORInventor: Thomas Pichler Date (Optional) : _____Signature:  _____

Note: An application data sheet (PTO/SB/14 or equivalent), including naming the entire inventive entity, must accompany this form or must have been previously filed. Use an additional PTO/AIA/01 form for each additional inventor.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.